

NEAL HELD TO ANSWER FOR EMBEZZLEMENT

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Associated
Press Service

Oakland Tribune.

LAST
Edition

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OAKLAND, CALIFORNIA, TUESDAY EVENING, MARCH 15, 1910.

18 PAGES

NO. 23

THERE WILL BE NO STRIKE!

---W. S. Carter, President of Engineers and Firemen's Union

DOGS VALUED AT \$5000 ON TRAIL OF SLAYER

Two Big Dogs Are Hot
on Scent of Brutal
Slayer

FUGITIVE THOUGHT
TO BE OLD-TIMER

Piece of the Man's Coat
Furnishes Scent for
Canines

SAN JOSE, March 15.—Working on the theory that the desperate thug who shot and killed George Whybark, watchman of Santa Clara township early yesterday morning, is heading in the direction of Oakland, Sheriff Langford, with two immense bloodhounds in leash, is today tracking the fugitive step by step in the hope that, guided by their unerring sense of smell, the big dogs will at last unearth his hiding place.

Cloth Is Clue

A clue is offered by a fragment of the murderer's coat which was caught on a nail as he ran from the small back yard of the Royal saloon at the corner of Alviso and Franklin streets, leaping over the prostrate body of his victim and shoving aside F. Fitzpatrick, a 17-year-old boy who accompanied Whybark and was a witness of the shooting, in his effort to get away before the raising of an alarm.

The scent offered by the portion of the thug's coat forms an excellent basis for work, according to veteran officers who, growing reminiscent of the early days in this country when desperate men were trapped in mountain fastholds by the dreaded bloodhound.

Dogs Worth \$5000

The dogs being used in the present chase are the property of a wealthy hound fancier of the Santa Clara valley who values the pair at \$5000. Standing three feet high the dogs weigh 180 pounds each.

The theory that the thug is wanted for some previous crime is advanced by the police, who are searching the criminal records of this state in an effort to gain some clue. They argue that it is hardly probable that the man would have fled with such deadly aim when discovered by Whybark, unless he had reason to fear arrest on a former

(Continued on Page 3.)

Bloodhounds Seek Murderer



Siberian bloodhounds, Queen and King, with Detectives Hines, Hertell and Johnson tracing the murderer of George Whybark.

Standard Oil Waves Black Flag Over Nation, He Says

WASHINGTON, March 15.—"They have waved the black flag over the land as others have done over the ocean. Do I deny they have demonstrated their ability? No. They have competed with an ability unequalled in this country."

In these words Frank B. Kellogg for the government, arraigned the Standard Oil Company before the Supreme Court of the United States today in the second day's argument of the case for the dissolution of the New Jersey corporation, as desired by the United States Circuit Court of the eastern district of Missouri. Kellogg's argument was a scathing attack on the Standard Oil Company, which he accused of "willful and malicious" conduct and of using its money power to "blatantly" combine, as Mr. Watson suggests, and let it cut prices as Mr. Milburn speaks about and I predict it will control every industry in this country in ten years, yes, in five years."

STAR OF HOPE.
"What makes a great country?" he asked. "Not great corporations. It is the individual; the independent proprietor with the star of hope that has always been held out to man before him. Your honors, it is but a step from combination to socialism,

and but another from socialism to anarchy."

John G. Milburn, the Standard Oil attorney who did not finish yesterday, closed his opening argument for the defense early in the session today.

"Here," he said, "is an organization that has a continuous life of 40 years. I don't say the men in it have never done anything wrong. Judge us, I ask you, by human standards."

"I have no doubt it has done things that it has no right to do. But it has done this. It has fought for the marketing of an American product, for the delivery of an American product all over the inhabitable globe."

"If your honors please," said Mr. Kellogg, "this is the second time I have listened to that passionate appeal to protect American foreign commerce. It has always been the slogan in this case. As a matter of fact, the Standard has not increased American percentage of exports of this product. The percentage exported previously to 1871 was greater than it has been since. For many years the Standard Oil did not create a market or increase it. Those mar-

kets were made by independents by struggling in competition for the commerce of the world."

Mr. Kellogg launched forth into the history of the Standard Oil as discussed by Mr. Milburn and concluded by telling of the purchasing and closing up of the refineries.

GENIUS OF ROCKEFELLER.
"That was the genius of Mr. Rockefeller," shouted Mr. Kellogg, turning to Mr. Milburn, whose words he quoted.

Justice Lurton asked Mr. Kellogg if he would not reply to the claim that all the Standard Oil properties had always had common owners.

"I get the idea," said Justice Lurton, "that the body of the stockholders has always been the same, at least the controlling proportion."

"I think it has not," replied Mr. Kellogg. "The number of stockholders has increased from three to many thousands."

Justice Lurton said he wanted to ask Mr. Milburn just what his claim was.

"It was a body of common owners from the beginning. The individuals changed. A man might sell his interest to another man and the court so finds it," Mr. Milburn replied.

NEAL IS HELD FOR TAKING COMPANY'S MONEY

Confessed Embezzler to
Face the Superior
Court

THREE WITNESSES
PUT ON STAND

Testimony Introduced
to Show Previous
Character

John E. Neal, the defaulting cashier of the Sunset Lumber Company, who has confessed to the embezzlement of \$4300 of the company's funds, which he played in Chinese lotteries, was this morning held to answer to the Superior Court on \$5000 bonds by Judge Smith.

Attorney Abe Leach represented the defendant in the preliminary examination and no effort was made by the counsel to gain testimony in defense of Neal other than to point out that his life and actions previous to his entering the employ of the lumber company had been without fault.

Three witnesses were put on the stand and the specific charge of appropriating to his own use the sum of \$575 on March 1 was the one on which Neal was held to answer.

ACCOUNTANT ON STAND.
Clement E. Renbut, an accountant placed on Neal's books in the Sunset Lumber Company office by the Pacific Lumber Company which was on the self-confessed embezzler's bond to the amount of \$10,000, was the first witness called and in direct and cross-examination testified to his findings regarding the amounts having been embezzled. He was asked specifically as to the amount taken by Neal on March 1. He declared that the books showed that the sum of \$575 had been appropriated by the defendant on that date.

E. H. Nash, manager of the Sunset Lumber Company, took the stand and testified to the confession made by Neal before himself and Detective Hodgkins in the detectives' room at the police station.

TELLS OF CONFESSION.
"Neal made his first confession in my presence," he said in answer to cross-examination by Attorney Leach, "when he came into my office in Oakland accompanied by the auditor of the company and J. J. Cullandun of the Morse Patrol in whose custody he was. I had no suspicion of anything irregular until the auditor and Neal came to me and the former explained what had happened. Neal then told his story."

Attorney Leach asked if the past record of Neal had been looked into when he came into the employ of the lumber company.

"It had," answered Nash. "We learned that he had previously been employed by the Pacific Window Glass Company in San Francisco and that his work there had been satisfactory in every degree. He was highly thought of and implicitly trusted in their employ. Previous to his employment with the window glass company he had worked for the Simonds Saw Company of Pittsburgh. There we learned he had held a position of trust and held it without any suspicion of dishonesty. He was recommended highly to us by this company."

PRESIDENT OF COMPANY ON STAND.
James Tyson, president of the Sunset Lumber Company, with offices in San Francisco, was the last witness put on the stand. Tyson testified to the first con-

(Continued on Page 3.)

BIG TIE-UP AVERTED; FIREMEN BROTHERHOOD ACCEPTS ARBITRATION

Impending Walkout on Forty-Seven Railroads,
Affecting 150,000 Miles of Track in West,
Delayed, Awaiting Conference Decision

CHICAGO, March 15.—Mediation under the Erdman act was formally accepted today by the committee of officials of the Brotherhood of Locomotive Firemen and Enginemen.

In taking this action, which came after the receipt of a telegram from Chairman Knapp of the Interstate Commerce Commission, the committee stipulated that mediation must be speedy or it would not be accepted by the men employed on the forty-seven railways involved.

President W. S. Carter announced from the committee room late today that the firemen would accept the offered mediation under the Erdman act.

"There will be no strike," said President Carter, "but the mediation must be speedy or the men will not submit to it."

Letter Is Sent to Railroad Magnates

President Carter declared that after voting in favor of the proffered mediation the committee drafted a letter to the general managers of the railways and sent a telegram to Chairman Knapp of the Interstate Commerce Commission accepting the offer.

The letter, according to Mr. Carter, will inform the managers that any attempt to delay in the settlement of the controversy by the federal mediators will be the signal for the men to at once break off all negotiations and begin with the walkout already decided upon.

CHICAGO, March 15.—The date and hour of calling the strike of the firemen on the western railroads was decided upon by the union officials today, but the committee adjourned until this afternoon without announcing the time. President Carter of the union said he believed the committee would order the strike regardless of the mediation proposal.

News that the controversy between the western railroads and the Locomotive Firemen and Enginemen would be mediated under the Erdman Act came as a surprise to the officials of the employees' union while they were in session endeavoring to decide on the hour when the strike would be called.

Railroad officials without hesitation declared that mediation

(Continued on Page 3.)

CONGRESSMAN KNOWLAND IS A BANK DIRECTOR

Congressman Joseph R. Knowland was today elected a director of the Union Savings Bank, vice Harry W. Meek, deceased. Mr. Knowland was the unanimous choice of the board of directors.

The Congressman is looked upon in business circles as a good financier. Mr. Knowland is also a director in an Alameda bank in which his father is a large owner.

Associated with Mr. Knowland on the Union Savings Bank board of directors are: W. G. Henshaw, Charles Rodolph, Victor H. Metcalf, W. F. Bissell, H. J. Knowles, Percy C. Black. Mr. Metcalf is general manager of the bank and has made a great success of his work. Knowland is known as a keen man in business, and besides he is strictly honest. He has a host of friends throughout the State.

Bribe Charge Hangs Over Man's Head

Deputy Constable George C. Starr at present stands in great danger of being prosecuted by the District Attorney's office for perjury and attempting to enter into a conspiracy with Attorney Clarence M. Starr to defeat the ends of justice by means of bribery. Judge Brown, sitting in the criminal department of the Superior Court this morning cited him to appear before him on Friday morning for examination and upon this will depend the deputy's fate.

Starr's predicament is an echo of the feud last fall between the On Yick Tong and the Yee family and developed in all its fullness today when Deputy District Attorney Smith made a motion before Judge Brown for the dismissal of the cases against Leung Bow, Lee Tsoo and Low Yee, members of the On Yick Tong, charged with robbing Yee Ming, a member of the Yee family, of \$100 in money and a gold watch one night last November at Melrose, for lack of evidence to convict.

In support of his motion the deputy district attorney informed the court that his office was satisfied that all of the testimony given by the State's witnesses at the preliminary hearing of the cases before Justice of the Peace Geary, including that of Deputy Constable Starr and Yee Ming, the prosecuting witness, was false; that the three defendants were innocent of the crime and that in view of this the cases should be dismissed.

All Railroads on Coast To Be Affected, He Says

"The matter now is in the hands of the National Federation of Labor," said Frank C. Avanson, secretary of the grievance committee of the Western Division of Firemen, this morning, "and the local organizations will await their decision. If the strike is ordered it will affect every road doing business on the Pacific Coast, including the Union Pacific, Santa Fe, Southern Pacific, Western Pacific and others."

"The men around the bay that will be affected by the order are members of the E. C. Fellows Brotherhood of Locomotive Firemen and Engineers No. 143 and number some 600 men, many of whom have homes in either Oakland or San Francisco. I have not received any official notification from the grand officers in Chicago that the general strike of firemen has been ordered and I therefore can't discuss the matter at this time. The orders, when they are sent to the Western Division, will be sent to me. I will probably receive some instructions by tomorrow. "Whatever the orders are, it is probable that every division in the West will stand by them. Whether it means a strike I can't say. A referendum vote was taken some time ago and forwarded to Chicago in time to be considered prior to the conference on March 7th. What has been done at the conference between our grand officers and the general managers' association we do not know."

SOCIETY WOMAN SEEKS DIVORCE A SECOND TIME

Declarations of Evanses
* * * * *

These statements show how love returned, only to fly away again, for the Evanses:

"This divorce is all a mistake. She is the only girl I ever loved." — What T. O. Evans said about his handsome wife when they were reconciled in Los Angeles.

"He's the dearest man in the world and I'm sorry I listened to those horrid gossipers." — What Mrs. Evans, Los Angeles society woman, said to her husband when they were reconciled in June.

"He says that he no longer loves me and that he wishes he were free. I am a woman of tender sensibilities and sentiment, and his

HUBBY HATES HER

Friend of Nat Goodwin Declares She Is Sensitive Soul and Her Spouse Is Cruel.

SAN FRANCISCO, March 15. — After having once been for divorce and become reconciled to her spouse, Mrs. T. O. Evans, reputed to be the handsomest woman in Southern California, registered at the St. Francis last week and yesterday filed in the courts of San Francisco a suit for divorce, which she declares is this time a "divorce suit to the finish."

Last summer society

What Mrs. Evans says about her husband in her second divorce suit, which was filed secretly here yesterday.

**GUDGEONS LOST
IN MAYBRAY GAME**

Several Witnesses Tell of the
Thousands They Paid to
See the Game

The State was started by the entrance into the divorce courts of Mrs. Evans and her husband, who is the owner of a big hotel in Los Angeles. The couple were married in Portland in 1904, and had trouble with each other almost immediately after. The wife asked for a divorce on the grounds of cruelty.

ARE RECONCILED.

After filing the suit, Mrs. Evans met her husband in the corridor of the Los Angeles courthouse, while with a number of attorneys, and, talking over the matter kindly and reconciliation took place between man and wife.

"Come into the courtroom," said one of the attorneys retained by the wife. "We can talk over the case."

"Why, there's not going to be any case," said Evans, faintly. "Neither of us wants a divorce."

COUNCIL BLUFFS, March 15.—The government introduced at the morning session of the trial of John C. Maybray and his co-defendants, B. Simpson, a Spokane real estate dealer, whom the prosecution considers its strongest witness. Simpson admitted he had known the alleged leaders of the "National Club" for many years and admitted that his dealings and voluminous correspondence with them had made him familiar with their handwriting.

At this point the government took up the identification of the handwriting on the letters, and after numbering more than a hundred, already in evidence and offered as many

She is the only girl I ever loved."

"No, I don't want a divorce," said Mrs. Evans as she joined the little circle in the courtroom. "He's the dearest man in the world. I don't want to be separated from those horrid gossipers. But anyone who hurt my feelings, and I wouldn't have forgiven him if he hadn't asked me so nicely." The pair left the courtroom arm

But this reconciliation apparently has not been a permanent one, for six months ago, according to Mrs. Evans' latest application for a divorce, her "refined nature was aroused by the alleged cruelties which he has inflicted upon me."

DID NOT LOVE HER.

He told her he no longer loved her, according to her complaint, and this she considered as the most extreme cruelty and one which caused her

Sheerson identified without hesitation the writing submitted to him and was apparently at ease throughout the direct examination. Cross-examination was deferred until counsel for the defense had opportunity to cross-examine.

Dr. J. B. Titterton of Dallas, another witness, told of losing \$5000 on a prizefight at New Orleans early in 1936 and named Dr. R. E. Goddard, one of the defendants, as the man who collected his attendance at U. Graceland, a Chicago saloon-keeper, testified to the loss in a similar manner of \$4000 at Galesburg, Clarence Class, one of the defendants, being the man he backed.

MacVeagh Denies U. S.

Currency Is Defective

WASHINGTON, March 15.—Franklin MacVeagh, Secretary of the Treasury, whose attention was called to statements that United States currency notes were being printed on inferior paper, and with inferior ink, said last night that he had no cause for alarm and no objection to the currency and that he did not believe that any reported charges of this nature were true because they had not been brought to his attention by banking interests.

The National Bankers' Association for any other organization of bankers has any definite information along this line, he said, he would be glad to receive it. The same invitation applies to local bankers. If the currency brings any complaint, any complaint, but said to improve it.

And Edna Goodrich, and is said by friends to have been instrumental in making the match between the actor and his latest bride.

Capt. Bogardus Again Hits the Bull's Eye

This world-famous rifle shot, who holds the championship record of 100 pigeons in 10 minutes, living at Lincoln, Conn. IL. Recently interviewed by the press, he said he had suffered a long time with kidney and bladder troubles and have used several well-known medical remedies, but all of which gave me no relief until I started taking Foley's Kidney Pills. Before I used Bogardus' capsules and pains in my kidneys, back and sometimes in my head, would be so bad that I could not do my morning I would get bad headaches. Since I have taken three bottles of Foley's Kidney Pills, and feel so much better. I am never bothered with my kidneys, bladder and once more feel like my own

License on Dogs Raised by Alameda

ALAMEDA, March 15.—In order to lessen the number of dogs on the street and abate the nuisance of stray canines, the license committee of the City Council has decided to increase the license on male dogs to \$2 a year and \$5 per annum for female dogs.

Owners of dogs are up in arms at the proposed increase in licensing tax. They contend that unjust discrimination is shown.

Inasmuch as the payment of the license is arbitrary whether the dogs run at large or are kept confined, it is said to be punitive by dog owners.

A petition was probably be circulated against the ordinance. The petitioners demand the tax fixed on all dogs at \$2 per

year. "I have used Dr. Williams' Pink Pills and always recommend them to my fellow sufferers." Wishart's Drug Store.

Lillis and Cudahy Stay Out of Court

Judge Suggests Slashing Case Be Dismissed But City Attorney Insists on a Continuation.

KANSAS CITY, March 15.—When the case of John T. Cudahy and the millionaire clubman charged with slaying a woman

German Will Show at India Exhibit

BERLIN, March 12.—In order to show its natives of Indian how far German manufacturers are ahead of those of Great Britain and how much more cheaply they may be sold in the Empire of India, the German government has just decided that not only are German manufacturers to be subsidized to enable them exhibit, but, at the expense of the government, a whole section devoted solely to German exhibits of interest to Indians is to be organized by the Indian Agricultural and Industrial Exhibition, which is to be held at Allahabad from July 10 to February 15 next year.

In the series of determined efforts the part of Germany to beat England in the Eastern markets, as she has already done in Mexico and South America.

Gold Coins Stored Away in Ceiling

ALDWELL, N. J., March 13.—Carders who were at work on the ceiling would place here found, between the ceiling and the floor of the first and second stories, an old blue china pitcher, the top of which thought contained a large treasure. The pitcher was filled to the brim with gold coins, many of which were employed by Henry C. Steinhoff, before he died. When the con-

the one best bet at the rooms of the Nile Club, Thursday, March 17. A program printed on green announces a host of entertainers for the evening. The banquet will precede the evening festivity and A. B. Weeks, Glen Barnhart and A. S. Lavenson have been elected a committee of three to provide gaiety and refreshment.

Among those who are scheduled for the evening are Edward Mitchell Lyman, Milton Schwartz, W. H. Bray, Carl Anderson, Harry Perry, Dave McLaughlin and the Nile Glen Club.

The purpose of the organization will be devoted in flags and shamrocks and the dinner favors will carry out the spirit of the occasion.

Special music will be provided and the committees is striving to make the affair a most enjoyable and profitable social event on the club calendar.

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dug up on the floor, however,
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tes, each about the size of the pres-
ent silver quarter.

They were dug between 1810 and 1820.
Gould house is one of the oldest in
section of New Jersey

**Pioneer Is Sick
At Alameda Home**

ALAMEDA, March 14.—S. R. Chappell,
a well-known resident, is critically ill at
his home, 1216 Schiller street, and little
hope is held for his recovery.

Chappell was prominently connected
with the Southern Fuel Company
number of years ago and is widely known
in railroad circles. He retired, many
years ago on account of age.

**GOVERNMENT DEFENDS TAX
ON CORPORATIONS AS JUST**

**Solicitor-General Urges Imposition Is Not
on Existence or on Property, but on
Income Accrued From Business**

WASHINGTON, March 15. — The constitutionality of a state corporation tax was defended today by Solicitor-General Charles E. Hughes in a speech before the Senate.

It is brief that it shows the transaction of the subject of the tax and that the income of business is used merely as measuring the amount of tax which rests not upon that income, but upon the occupation from which it is derived."

SPRECKELS CASE.

These reasons, together with the decision of the Supreme Court in the Spreckels case, which the solicitor general explains as holding that a tax declared in the statute to be laid on business is an amount equivalent to a certain percentage of income of an excise tax on the business. They are sufficient as sufficient to show that the corporation tax is an excise on the transaction of business.

HOW TO DEDUCE.

It is alleged lack of uniformity, are considered by the Constitutional requirements, be claims, if the tax is geographically uniform. In this connection he proceeds to exhibit several features of the law and to cite authorities to substantiate the claim that an excise tax is given the greatest freedom of classification of any taxes imposed by congress.

One reason assigned for exempting individuals and partnerships is that they are exempt without the aid of legal rules applicable to corporations and joint stock companies. Both reason and authority is claimed, justify the exemption of corporations whose net income is not over \$5000.

EXEMPTIONS.

the point whether the cases bearing on the question of the character of the tax was a direct tax or an excise, Mr. Bowers refers to the famous Income Tax case. He says these cases have been interpreted unduly with the consequence of the entire subject matter referring to a tax imposed on property by reason of its ownership. "The word 'must mean,' says the Solicitor General, 'a tax upon property by reason of its ownership.' It is not the mere existence of ordinary property, although the property is not put to any special use. A tax upon business is not a tax imposed upon property 'solely by reason of its ownership,' for if the property is not put to business use, no tax falls upon it or its income." It is in the argument that the tax is not a direct one that Mr. Bowers

urges that such organizations must be considered insurance companies having purely or chiefly pecuniary functions." He then said a few of the great American mutual life insurance companies whose financial power and operations are declared, are not surpassed in the entire world.

Referring next to the objection to the limitation to the amount of interest deduction in arriving at the net income, "Without the limitation," says Mr. Bowers, "corporations and joint companies are opening the door for all or most of their capital, either way or the other, an accompanying issue of stock—could distribute the business profits, however large, in the form of interest payments; and the interest in question would be entirely of RENTAL PROPERTY."

Married 44 Years; Old Man Gets Divorce

RENO, March 15.—A divorce was given by Judge Orr late yesterday to Patrick Hogan, who had been married for forty-four years, on the ground of desertion. Hogan, who is a very old, white-headed man, was married in Vallejo, Calif., in July, 1866, and in 1930 his wife and children deserted him in San Francisco and have since refused to have anything to do with him. He further testified, with tears rolling down his cheeks, that he was married to a eldest son had beaten him and that after giving his wife all his money, when he left home in the morning, he returned at night to find the home deserted.

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 "The residents of Ayer's Hair Vigor:
 Sarsaparilla, Glycerin, Quina, Sulfur Chloride,
 Castile, Soap, Alcohol, Water, Perfume."
 Anything injurious here? Ask your doctor.
 Anything of merit here? Ask your doctor.
 Will it stop falling hair? Ask your doctor.
 Will it destroy dandruff? Ask your doctor.

Does not Color the Hair

U. S. Army Surgeon General, Wash.

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 Anything of merit here? Ask your doctor.
 Will it stop falling hair? Ask your doctor.
 Will it destroy dandruff? Ask your doctor.

Does not Color the Hair

U. S. Army Surgeon General, Wash.

100

LEGAL

city of Oakland, as its share of the expense for cleaning that portion of the main lake sewer over which a street road shall be constructed and over under this franchise, the sum of \$1 per annum during the existence of

21st—The percentum of the gross annual receipts of said railroad agree to be paid by the successful bidder for franchise, at the expiration of 5 years shall be payable semi-annually to the City of Oakland.

year according to the verified statement of the gross annual receipts of such streetcar line, to be filed with the City Engineer on or before the first day of January and the first day of July of each year. In the event that the railroad operated in connection with the streetcar line shall be operated in connection with the streetcar line, the streetcar companies and through car transportation companies shall be made so as to include the railroad receipts in the franchise, the proportionate share of the net earnings of the streetcar receipts shall be based on the net earnings of the railroad receipts, and the net earnings of the railroad receipts shall be based on the net earnings of the railroad receipts, and the net earnings of the railroad receipts shall be based on the net earnings of the railroad receipts.

successors and assigns shall construct asphalt cross-walks at street intersection between tracks maintained by under this franchise and for two feet each side of said tracks.

24th—The

[illegible]

operated under such other franchises
connecting with those operated under
franchise, provided that this may

shall apply only to passengers who shall take the fare to the point to which the fare is applied. It is further provided that this provision shall not be construed to entitle any passenger to a refund of fare when the passenger has departed beyond the municipal limits of the City of Oakland, and the payment of the live cent fare, and the duty of the grantee of this franchise, to the passengers, to allow the dust between the seats of the coaches by means of sprays of water or of fumes of sprays of disinfectant, in the directions of the Superintendent of Streets of the City of Oakland.

27th (A) Where the grantee is attached together, under the provisions of this franchise, the grantee of this franchise, to the passengers, to allow the dust between the seats of the coaches by means of sprays of water or of fumes of sprays of disinfectant, in the directions of the Superintendent of Streets of the City of Oakland.

27th (A) It shall be the duty of the grantee of this franchise, its successors or assigns, in carrying out the lighting schedule adopted by the City of Oakland to illuminate the route of the franchise and the following minimum illumination of one candle per square foot (0.01) candle feet which is to be secured by the equipment furnished by the manufacturer of the lamp used. The candle feet per square foot shall be secured by the candle power at unit distance along given angle, divided by the square of the distance from the center of the apparatus of the lighting fixture used shall be entirely within the limits of the said schedule. The grantee or assigns, but the designs of the equipment to be installed shall be subject to the approval of the Board of Public Works of the City of Oakland.

28th (A) The grantee of this franchise, its successors or assigns, shall maintain the structure of the lighting fixture so that the proper conditions to give guaranteed illumination are being maintained. The grantee of this franchise, its successors or assigns, shall have access at all reasonable times to said instruments, with the exception of the instruments which are damaged upon demand with such other or further reasonable assurance that the provisions of this franchise relating to illumination are being maintained.

28th (A) At the expiration of the term of this franchise the grantee thereof, its successors or assigns, shall deliver to the City of Oakland or its successor, at its option, that portion of the physical plant of the franchise which is necessary to maintain this franchise at the cost of the dedicating such physical plant, independent of the cost of the franchise.

By order of the Council of the City of Oakland, dated Oakland, February 26, 1910.

FRANK R. THOMPSON,
City Clerk and Clerk of the Council of the City of Oakland.
By **E. F. HOLLAND,** Deputy.

NOTICE TO CREDITORS.

Estate of James Newbower, also known as James Newbower, deceased.
Notice is hereby given that the undersigned administrator of the estate of James Newbower, also known as James Newbower, deceased, to the creditors of said James Newbower, deceased, claiming against said James Newbower, deceased, to exhibit them the necessary vouchers within four months after the first publication of this notice to the said administrator at the office of Abe F. Leach, room 1113 in the Commercial Union Building, in San Francisco, which said office the undersigned selects as his place of business from month after month, and to be established by James Newbower, also known as James Newbower, deceased.

H. R. MEHRMANN
Administrator of the Estate of James Newbower, also known as James Newbower, deceased.

Oakland, Cal., February 28, 1910.

ABE F. LEACH,
Attorney-at-Law, Union Savings Bank Building, Oakland Cal., Attorney for Administrator.

NOTICE OF TIME SET FOR PROBING

In the Superior Court of the State of California, in and for the County of Alameda.
 In the matter of the estate of August Engelhardt, also known as August-Friedrich-Ludwig Engelhardt, deceased. N. 14028. L. 14.

Notice is hereby given that a petition for the probate of the will of August-Friedrich-Ludwig Engelhardt, deceased, and for the issuance to Charles Besmeyer of letters of administration on the estate of said August-Friedrich-Ludwig Engelhardt, deceased, and that Monday, the 11th day of March, A. D. 1910, at 10 o'clock of the forenoon, at the Courtroom of the Department No. 4, of said court, at the courthouse in the City of Oakland, in said county, will be heard and tried, and the hearing of said petition and proving said will, will then and where any person interested in said estate may appear and be heard. Dated March 5, 1910.

JOHN P. COOK, Clerk.

WALLIE J. BURPÉE,
Attorney for Petitioner, Courthouse,
Oakland.

NOTICE TO CREDITORS.
Estate of Frank Harrington, deceased.
Notice is hereby given by the undersigned administratrix of the estate of Frank Harrington, deceased, to the creditors and persons having claims against the said deceased, to exhibit to them the necessary vouchers within four months next ensuing the date of this notice to the said administratrix at the office of Ezra W. Decoto, 35, 41 and 53 Bacon Building, 1014 Washington street, Oakland, California, in which the undersigned selects as her place of business in all matters connected with said estate of Frank Harrington, deceased.

MARY LANGFORD,
Administratrix of the estate of Frank Harrington, deceased.

Dated, Oakland, Feb. 15, 1912.
EZRA W. DECOTO,

DATE WIRE CHICAGO, NEW YORK
WESTERN UNION CODE
J. C. WILSON

D. D. WILSON
MEMBER
New York Stock Exchange

Chicago Board of Trade
The Stock and Bond Exchange
Telephone
Main Office
MILLS BUILDING
111 E. Front Street
Correspondents
HARRIS, WINTHROP & CO
2 E. Plankinton
3 The Rookery, Chicago
Branch Office
111 E. Front Street
Main Corridor) San Francisco
HOTEL ALEXANDRIA
HOTEL DEL MONTE
HOTEL DEL MONTE
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LOGAN & BRYAN
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Boston Stock Exchange
Chicago Stock Exchange
N. Y. Cotton Exchange

**N. O. Cotton Exchange
Chicago Board of Trade**

Defect wires
Merchants Exchange Building
Phone Douglas 1824.
H. G. SAMUELS, Manager.

1st, lots 51 and 52, map Cunha & Walther
 Perry, Brooklyn township; \$30.
 2nd, to same, lots 53 and 54, map
 same, \$10.
 3rd, to same, lots 55 and 56, map
 same and William zero, lot 10, Ida A.
 4th, to same, 1/2 of lot 11, map same,
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BUILDER'S CONTRACT.
March 10—Herman von Jutren Jr. and Joseph von Jutren (owners) with Joseph Mittner (contractor). N East Fourteenth street. 148-58.
March 11—James J. O'Connell (owner) with Joseph J. Conroy (contractor). N 235th St N 10th, NW corner lot 36 of block 11, 148-58.
March 11—Specifications filed. Recorded March 11.
March 9—Josephine and W. C. Killingsworth (owners) with C. G. Hildebrand (contractor). 1201 N Adams street, 148-58.
March 12—Recorded March 12.
March 12—Oakland, for \$2550. Recorded March 12.
March 14—Felicio Couget (owner) with John J. Peckles (contractor). Lot 30, map E. 3, block 1, Stone Company's Lots, Brooklyn Washington, 148-58.
March 14—Recorded March 14.

R. WHITEHEAD
Stocks, Bonds &
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 Will buy Oakland Traction
 Preferred

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 Rooms 412 and 413, First Nat'l Bldg.
 Bldg., Oakland, California.
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in force before will be made in California. Our investments within the next two years, \$60,000,000 in gold and billions in increased value of the stock controlled by the California Gold and Silver Mining and Manufacturing Company, which men who hold stocks in the best companies in California, GOLD, SILVER, COPPER, IRON, STEEL, and other metals, and all the other products of the State and point out the best investments. It will be sent to you free of charge. Write if you need your name with this list.

THE G. S. JOHNSON COMPANY,
Theban Building, San Francisco, Cal.

Notice Inviting Sealed Bids

FOR THE
PROPOSALS FOR FURNISHING
THE COUNTY OF ALAMEDA

WITH VOTING OR BALLOT MACHINES.

Notice is hereby given that sealed bids for proposals will be received by the Board of Supervisors of Alameda County, State of California, on Monday, the 28th day of March, A. D. 1910, at or before the hour of 10 o'clock A. M. of said day, pertaining to the County of Alameda, for furnishing to the County of Alameda 500 voting or ballot machines, and 500 tally machines, to provide facilities for holding the primary election of 1910, and for the purpose of determining the number of votes cast at each precinct.

...and register such vote by means of the ballot box and the official tally sheets, and in addition, to permit the voting for persons not nominated by the party, and to allow the construction of a ballot box to allow the voting for all additional nominees and also to have the use of the official counters for constitutional amendments and other general elections of the kind or make heretofore approved by the State Commission of the kind of ballot machines of the State Commission, and to provide for the use of the same in the said machines in the State Commission.

It is further given that all bids must be filed with the Clerk of the Board of Supervisors at or before the hour of 10 o'clock A. M. of said 27th day of March, 1910, whereupon said bids will be opened and the contract awarded to the lowest responsible bidder for the work herein which the Board may accept or reject. Each bidder must accompany his bid with a certified check, to be made payable to the order of the Board of Supervisors, in the sum of \$1,000.00, which shall be held as security for the faithful performance of the contract.

One Thousand (\$1000) Dollars, payable
in the order of the Clerk of the Board
of Supervisors of Alameda County. The
Board reserves the right to reject any
and all bids and does not obligate itself
to purchase any machines.
Dated, Oakland, Cal., March 11, 1911
(Seal) JOHN P. COOK,
Clerk of the Board of Supervisors
of Alameda County.

NOTICE OF TIME SET FOR PROVIDING

In the Superior Court of the County of
Maricopa, State of California.
In the matter of the estate of John
McDonald, deceased.
Notice of time set for proving will
and application for letters of ad-
ministration with will annexed
Notice is hereby given, that a hearing
for the probate of the will of John
McDonald, deceased, and for the issuance
of letters to J. McDonald of letters of ad-
ministration with will annexed

tion with the will annexed, has been
in this Court, and that Monday, the
third day of March A. D. 1918 at the Court
of the County of Alameda, has been
for the hearing of said petition, where
and where any person interested may be
and contest the same, who shall
if any they have why said petition
could not be granted.

ated, March 14, 1940.
JOHN P. COOK, Clerk.
By W. W. CRANE, Deputy Clerk.
J. J. McDONALD,
Attorney for Petitioner, Oakland Bank &
Savings Bldg., Oakland, Cal.

The Tribune

[illegible]

13th and Franklin Sts. **Breuner's** Oakland **Your credit is good**

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